

### **REMARKS/ARGUMENTS**

Applicants thank Examiner Raman for considering the arguments set forth in Applicant's Appeal Brief and reopening prosecution. Claims 1-3, 5-19 and 21-31 are pending in the application. Claims 4 and 20 were previously cancelled. Claims 1-3, 5-19 and 21-31 stand rejected. Through this Response and Amendment, claims 1-3, 5-17, 27, 28, 30 and 31 have been amended, claims 18, 19, 21-26 and 29 have been cancelled and claims 32-38 have been added. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

#### **Claim Rejections – 35 USC § 103**

Claims 1, 2, 5-7, 9-18, 21, 23, 25-29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2006/0031883 to Ellis et al., ("Ellis") in view of U.S. Patent No. 6,424,828 to Collins, et al., ("Collins"). The Applicants respectfully request reconsideration in view of the Remarks below.

Ellis, the primary reference asserted against the claims, appears to disclose systems which allow a user to modify his/her own recording schedule. In this regard, the user is merely remotely accessing his/her own program guide. Applicants believe that the teachings of Ellis are different from the subject matter of the recited claims. Specifically, the independent claims are directed towards systems and methods that are capable of providing (or receiving) guide information (such as recording or reminder requests) to other individuals, such as friends and family, who have their own program guide and receiver rather than merely remotely accessing the single guide to modify the recording schedule of a single receiver.

To more clearly recite the features of the claimed embodiments, the claims have been amended. Specifically, claim 1 has been amended and now recites:

a user input receiver configured to receive an input from a user selecting a desired program received from the first receiver;

transmission means configured to transmit a notification of the program selected from said first electronic program guide memory to a second remote electronic

program guide memory connected to a second receiver, wherein said transmission means also are configured to transmit an alert message indicating said notification to an SMS server to be forwarded as an SMS to a mobile handset.

(Emphasis added, see also claim 27 which recites “transmitting the notification of the program selected from said electronic program guide to at least one remote electronic program guide memory that is in communication with a second receiver,” claim 30 recites a communication means “being configured to transmit a notification of the program selected from said electronic program guide to at least one remote electronic program guide memory that is in communication with a second receiver,” claim 31 recites “receiving a notification via SMS of a program selected from electronic program guide in a remote first electronic program guide system that is operatively connected to a first receiver, wherein the notification is received at a second electronic program guide system that is operatively connected to a second receiver,” new claim 32 recites “wherein the notification was transmitted from a second electronic program guide that is operatively connected to a second receiver”).

Support for the amendments may be found throughout the application, for example, paragraphs 25 and 26 provide that:

A notification of the selected program in the EPG may alternatively 11 be transmitted to one or more persons, such as a friend or a multitude of friends, that is to their respective electronic program guide system. The friend or friends that the user wants to notify are selected 12, either in response to a message displayed on the TV set 3 or by activation of a dedicated button. If the user wants to recommend recording 13 a recording flag is set 14 in the notification. If the user also wants to recommend reminder 15 a reminder flag is set 16 in the notification, when the user does not want to recommend recording 13 at least the reminder flag is set 16, that is when recommend recording 15 is dropped a reminder flag is set 16. Further, if the user wants to send an alert message 17 to the friend or friends an alert flag is set 18 in the notification.

The claims have also been amended to provide antecedent basis, provide clarity and more readily recite the subject matter of the claimed embodiments. For example, claim 1 now recites an “electronic program guide memory configured be in communication with a first receiver.” Support for this amendment may be found at paragraph 24. Claim 1 has also been amended to recite “a user input receiver configured to receive an input from a user.” Support may be

located, for example, at paragraph 23 which refers to a remote control device as a selection means and states the “system 1 is controlled by the remote control 2.” The preamble has also been amended to more clearly indicate “an apparatus” is being claimed. In fact, as seen in the appended Listing of Claims, several of the preambles have been amended to more clearly recite an “apparatus.” The term “tuner” has been replaced throughout the claims with the term “receiver.” Support may be found throughout the application, for example, Figure 1 shows electronic program guide system 1 that comprises receiving means 4, “such as a tuner/receiver”. (Figure 1, and Sub. Spec., para. 22, ll. 4-5). “The tuner/receiver 4 receives broadcast programs, e.g. broadcast via cable, terrestrial or satellite, which programs may be watched on the TV set 3 and/or recorded on the hard disk 5. The tuner/receiver 4 further receives updates for the EPG.” (Sub. Spec., para. 24, ll. 1-3).

The preambles of independent claims 27 and 31 (along with their respective dependent claims) have been amended to recite a Beauregard claim to indicate a computer-readable medium comprising computer-executable instructions is being claimed. Several of the claims have also been amended to indicate whether a specific electronic program guide is either a “first” or “second” electronic program guide.

Applicants believe that the claim amendments more clearly define the scope of the recited embodiments and are distinguishable from the prior art of record. Specifically, Applicants respectfully submit that neither Ellis nor Collins teach, disclose, or suggest, whether individually or in combination, the subject matter of the claims as presently presented, and therefore respectfully request reconsideration and withdrawal of the rejection.

New claim 32 recites the same element of existing claim 31, with the sole exception that the recited element “transmit[s] a notification,” whereas claim 31 recites “receiving” a notification. New claims 33–38 ultimately depend from existing claim 31 and recite elements similar in language to cancelled claims 18-26, however, have been drafted to recite computer-executable instructions on a computer-readable medium. For at least the reasons elaborated on above, Applicants respectfully submit that neither Ellis nor Collins teach, disclose, or suggest,

whether individually or in combination, the subject matter of new claims 32 -38, and therefore, respectfully request allowance of the claims.

Claims 3, 8, 19, 22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. Pub. No. 2006/0031883 to Ellis et al., ("Ellis") in view of U.S. Patent No. 6,424,828 to Collins, et al., ("Collins") and U.S. Pat. Pub. No. 2004/0008972 to Haken ("Haken"). Applicants respectfully request reconsideration in view of the Remarks below.

As discussed above, neither Ellis nor Collins teach, disclose, or suggest, whether individually or in combination, the subject matter of the claim 1, from which claims 3 and 8 depend from. Applicants respectfully submit that Haken does not cure the deficiencies of the shortcomings. Claims 19, 22, and 24 depend from claim 17, which is no longer pending in the present application. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

### **CONCLUSION**


All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

Dated: March 14, 2008

By:

  
Shawn P. Gorman  
Reg. No. 56,197

BANNER & WITCOFF, LTD.  
10 South Wacker Drive  
Suite 3000  
Chicago, IL 60606  
Tel: (312) 463-5000  
Fax: (312) 463-5001